IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21793 of 2007(T)

PETITIONERS:

1. U.SASIKUMAR, H.S.A.(SOCIAL SCIENCE),
A.K.K.R.H.S. FOR GIRLS, CHELANNUR, KOZHIKODE DIST.

2. U.MOHANAN, H.S.A.(SOCIAL SCIENCE),
A.K.K.R.H.S. FOR BOYS, CHELANNUR, KOZHIKODE DIST.

3. BINDU DAMODARAN.P., H.S.A.(MATHS),
A.K.K.R.H.S. FOR GIRLS, CHELANNUR, KOZHIKODE DIST.

4. SEENA.G., UPSA, A.K.K.R.H.S. FOR BOYS,
CHELANNUR, KOZHIKODE DISTRICT.

5. NEETHA C., UPSA,
A.K.K.R.H.S. FOR GIRLS, CHELANNUR,
KOZHIKODE DISTRICT.

6. SHEELA.U., UPSA, A.K.K.R.H.S. FOR GIRLS,
CHELANNUR, KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:

1. STATE OF KERALA REP.BY ITS SECRETARY TO
GOVERNMENT, DEPT. OF GENERAL EDUCATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

4. THE DISTRICT EDUCATIONAL OFFICER,
KOZHIKODE.

5. THE MANAGER, A.K.K.R.H.S. FOR BOYS &
GIRLS, CHELANNUR, KOZHIKODE DISTRICT.

6. A.K.SINDHU, H.S.A. (ENGLISH),
A.K.K.R.H.S., CHELANNUR, KOZHIKODE DISTRICT.

7. PRAJISHAKUMARI, H.S.A.(ENGLISH),
A.K.K.R.H.S. CHELANNUR, KOZHIKODE DISTRICT.

8. ANUPAMA T.C., H.S.A. (ENGLISH),
A.K.K.R.H.S. CHELANNUR, KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.21793 OF 2007

Dated this the 16th day of July, 2007

JUDGMENT

Petitioners 1 to 3 are High School Assistants in Social Science and Mathematics and petitioners 4 to 6 are Upper Primary School Assistants. All of them are working in the school under the management of respondent no.5. Respondent no.2 has passed Ext.P8 order by which petitioners 1 to 3 have been ordered to be reverted as Upper Primary School Assistants. Respondent no.2 has taken the view that teachers who are holding the post of High School Assistant (English) in the school though junior to the petitioners cannot be reverted and therefore they will have to be retained.

2. Consequently, if petitioners 1 to 3 who are HSA in Social Science and Mathematics are to be reverted, petitioners 4 to 6 now working as Upper Primary School Assistants will have to be retrenched from service. Therefore, petitioners have challenged Ext.P8 order before the Government in a revision petition, a copy of which has been produced as Ext.P9. The limited prayer is to issue a direction to respondent no.1 to take a decision on Ext.P9

expeditiously. Learned Government Pleader submits that if Ext.P9 has been preferred by the petitioners as contended by them, an appropriate decision thereon will be taken without any delay.

In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P9 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. It will be open to the petitioners to move the revisional authority for appropriate interim reliefs. If such a motion is made within one week from today, Government shall consider and take a decision on the said request expeditiously. Respondent no.1 shall ensure that petitioners and all others who are likely to be affected by any order that may be passed, are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

A.K.BASHEER, JUDGE

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